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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/477,057	01/04/2000	ROBERT KLAUS	99.539	8658

7590 10/03/2003

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EXAMINER

MORGAN, ROBERT W

ART UNIT	PAPER NUMBER
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3626

DATE MAILED: 10/03/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/477,057

Applicant(s)

KLAUS, ROBERT

Examiner

Robert W. Morgan

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 July 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 7/15/03 has been entered.

Response to Amendment

2. In the amendment filed 7/15/03 in paper number 14, the following has occurred: Claims 1, 5, 8, 11, 16 and 21 have been amended. Now claims 1-21 have been presented for examination.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-3, 5-10, 12-15 and 17-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,119,093 to Walker et al.

As per claim 1, Walker et al. teaches a method for a risk carrier to assume monetary risks from a plurality of risk cedents, comprising the steps of:

(a) the claimed posting on a server by said risk carrier of a plurality of proposals to assume selected risks of respective risk cedents such that said proposals are viewable through a

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computer network is met by an insurance company server (100, Fig. 1) that transmits policy information relating to a policy or policies to a central server (120, Fig. 1) which makes the policy information available for viewing on a website (130, Fig. 1) to a user via the Internet (100, Fig. 1) through conventional user interface (140, Fig. 1). A user or investors (reads on "risk carrier") browses the various policies and picks one or more he is interested in and using conventional interface selects a policy by way of investment order (103, Fig. 1) and further enters credit card number, expiration date and personal information, including his electronic mail ("e-mail") (reads on "posting") (see: column 4, lines 45-60, Fig. 3c and column 14, lines 19-26). The user or investor then directs his investment order to the insurance syndication service central server (120, Fig. 1) via the Internet (see: column 5, lines 3-8). The syndication central server transmits to the insurance company server updated syndication and transaction information (108, Fig. 1) (see: column 5, lines 44-47). The Examiner considers the investor's (reads on "risk carrier" or "reinsurer") investment order posted to the insurance company's (reads on "risk cedent") (primary insurer) server via the Internet when the credit card number is entered;

(b) the claimed initializing on said server an available risk assumption capacity of said risk carrier associated with said proposals is met by the central server (120, Fig. 1) that transmits to the insurance company server policy information used to calculate the amount of premium to be paid to each investor (users) (see: column 5, lines 36-52 and Fig. 3c);

(c) the claimed enabling electronic submission by any one of said cedents of one of said proposals to assume selected risks associated with said cedent as an offer by said cedent to cede a selected risk for acceptance by said risk carrier is met by the one or more insurance companies ("cedent") each having an insurance company server (110, Fig. 1) transmitting policy

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information (101, Fig. 1) (“proposals”) relating to a policy or policies being offered in syndication to an insurance syndication service central server (120, Fig. 1) (see: column 4, lines 47-51). In addition, a user browses various policies and picking one or more of interest (103, Fig. 1) by way of investment order (103, Fig. 1) (see: column 4, lines 45-60);

(d) the claimed electronically accepting, by said risk carver, said offer submitted by one of said risk cedents is met by a user browsing various policies to picks one or more of interest using conventional interface to selects a policy by way of investment order (103, Fig. 1) (see: column 4, lines 45-60); and

(e) the claimed electronically recalculating said available risk assumption capacity upon accepting said offer is met by the central server (120, Fig. 1) that transmits to the insurance company server updated policy information with transactions information used to calculate the amount of premium to be paid to each investor (user) (see: column 8, lines 36-52).

Walker et al. fails to explicitly teach (f) the claimed electronically withdrawing from availability for submission as an offer any of said proposals whose acceptance by said risk carrier would reduce said available risk assumption capacity, as recalculated, below a selected amount.

However, Walker et al. teaches in one particular preferred embodiment, investors (reads on “risk carrier” or “reinsurer”) themselves arriving at a rate for a policy, by offering bids against a given portion of risk (see: column 14, lines 19-25). Moreover, Walker et al. teaches a syndication central server that transmits updated syndication and transaction information (108, Fig. 1) to the insurance company server suggesting that once a investor (“risk carrier” or “reinsurer”) makes payment, the amount of available risk assumptions capacity is decreased

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(recalculated) and the policy information is updated (see: column 5, lines 44-47). This essentially withdraws from availability the submission of offers and proposals whose acceptance by said risk carrier would reduce said available risk assumption capacity, below a selected amount. It would have been obvious to a person of ordinary skill in the art at the time the invention was made to include the electronically withdrawing from availability for submission as an offer any of said proposals whose acceptance by said risk carrier would reduce said available risk assumption capacity, as recalculated, below a selected amount within the system as taught by Walker et al. with the motivation of preventing reinsurers from purchasing risk from a cedent that is not available via the Internet.

As per claim 2, Walker et al. teaches the step of (a) the claimed electronically providing confirmation of acceptance of said offer to said cedent which submitted offer is met by the web page's confirmation (630, Fig. 6c) of the investor's order (see: column 8, lines 66 to column 9, lines 11 and column 9, lines 57 to column 10, lines 2).

As per claim 3, Walker et al. teaches posting said offer which was accepted on said server so as to be viewable by said cedent which submitted said offer is met by the insurance company server (100, Fig. 1) that transmits policy information relating to a policy or policies to a central server (120, Fig. 1) which makes the policy information available for viewing on a website (130, Fig. 1) to a user via the Internet (100, Fig. 1) through conventional user interface (140, Fig. 1). A user browses the various policies and picks one or more he is interested in and using conventional interface selects a policy by way of investment order (103, Fig. 1) (see: column 4, lines 45-60). The examiner considers the term "user" to be interchangeable and referring to possibly different users of the system such as risk cedent (insured).

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As per claims 5-7, they are rejected for the same reasons set forth in claims 1-3.

As per claim 8, Walker et al. teaches a method for ceding a plurality of monetary risks from a risk cedent to a risk carrier, comprising the steps of:

(a) the claimed posting on server by said risk carrier of a plurality of proposals to assume a plurality of risks of said cedent such that said proposals are viewable by said cedent through a computer network is met by an insurance company server (100, Fig. 1) that transmits policy information relating to a policy or policies to a central server (120, Fig. 1) which makes the policy information available for viewing on a website (130, Fig. 1) to a user via the Internet (100, Fig. 1) through conventional user interface (140, Fig. 1). A user or investors (reads on "risk carrier") browses the various policies and picks one or more he is interested in and using conventional interface selects a policy by way of investment order (103, Fig. 1) and further enters credit card number, expiration date and personal information, including his electronic mail ("e-mail") (reads on "posting") (see: column 4, lines 45-60, Fig. 3c and column 14, lines 19-26). The user or investor then directs his investment order to the insurance syndication service central server (120, Fig. 1) via the Internet (see: column 5, lines 3-8). The syndication central server transmits to the insurance company server updated syndication and transaction information (108, Fig. 1) (see: column 5, lines 44-47). The Examiner considers the user's (reads on "risk carrier" or "reinsurer") investment order posted to the insurance company's (reads on "risk cedent") (primary insurer) server via the Internet when the credit card number is entered;

(b) the claimed initializing on said server an available risk assumption capacity for an amount of risk said risk carrier will assume from said risk cedent is met by the central server

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(120, Fig. 1) that transmits to the insurance company server policy information used to calculate the amount of premium to be paid to each investor (see: column 5, lines 36-52 and Fig. 3c);

(c) the claimed enabling electronic submission by said cedent of any one said proposals to assume a plurality of risks as an offer to cede the plurality of risks for acceptance by said risk carver is met by the one or more insurance companies ("cedent") each having an insurance company server (110, Fig. 1) transmitting policy information (101, Fig. 1) ("proposals") relating to a policy or policies being offered in syndication to an insurance syndication service central server (120, Fig. 1) (see: column 4, lines 47-51). In addition, a user browses various policies and picking one or more of interest (103, Fig. 1) by way of investment order (103, Fig. 1) (see: column 4, lines 45-60);

(d) the claimed electronically accepting, by said risk carrier, said offer submitted by said cedent is met by a user browsing various policies to picks one or more of interest using conventional interface to selects a policy by way of investment order (103, Fig. 1) (see: column 4, lines 45-60). In addition, digital signatures to insure the acceptance of a risk associated with a given policy (see: column 10, lines 41-54). The examiner considers the term "user" to be interchangeable and referring to possibly different users of the system such as risk cedent (insured) or primary insurer; and

(e) the claimed electronically recalculating said available risk assumption capacity upon accepting said offer is met by the central server (120, Fig. 1) that transmits to the insurance company server updated policy information and transactions used to calculate the amount of premium to be paid to each investor (see: column 5, lines 36-52).

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Walker et al. fails to teach (f) the claimed electronically withdrawing any of said proposals from submission as an offer to cede the monetary risk if further acceptance of said offer would reduce said available risk assumption capacity, as recalculated, below a selected amount.

However, Walker et al. teaches in one particular preferred embodiment, investors (reads on “risk carrier” or “reinsurer”) themselves arriving at a rate for a policy, by offering bids against a given portion of risk (see: column 14, lines 19-25). Moreover, Walker et al. teaches a syndication central server that transmits updated syndication and transaction information (108, Fig. 1) to the insurance company server suggesting that once a investor (“risk carrier” or “reinsurer”) makes payment, the amount of available risk assumptions capacity is decreased (recalculated) and the policy information is updated (see: column 5, lines 44-47). This essentially withdraws from availability the submission of offers and proposals whose acceptance by said risk carrier would reduce said available risk assumption capacity, below a selected amount. It would have been obvious to a person of ordinary skill in the art at the time the invention was made to include the electronically withdrawing from availability for submission as an offer any of said proposals whose acceptance by said risk carrier would reduce said available risk assumption capacity, as recalculated, below a selected amount within the system as taught by Walker et al. with the motivation of preventing reinsurers from purchasing risk from a cedent that is not available via the Internet.

As per claims 9-10, they are rejected for the same reasons set forth in claims 2-3.

As per claims 12-14, they are rejected for the same reasons set forth in claims 2-4.

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As per claim 15, Walker et al. teaches said proposals including an amount of coverage corresponding to a maximum amount of coverage (extent of coverage, 322, Fig. 3c) to be provided and said method further comprises the steps of:

(b) the claimed electronically calculating a premium based on said amount of coverage selected by said cedent is met by the central server (120, Fig. 1) that transmits to the insurance company server updated policy information and transactions used to calculate the amount of premium to be paid to each investor (see: column 5, lines 36-52).

Walker et al. fails to explicitly teach (a) the claimed enabling said cedents to electronically decrease said amount of coverage of one of said proposals before submission of said proposal for acceptance.

However, Walker et al. teaches in one particular preferred embodiment, investors (reads on “risk carrier” or “reinsurer”) themselves arriving at a rate for a policy, by offering bids against a given portion of risk (see: column 14, lines 19-25). Moreover, Walker et al. teaches a syndication central server that transmits updated syndication and transaction information (108, Fig. 1) to the insurance company server suggesting that once a investor (“risk carrier” or “reinsurer”) makes payment, the amount of available risk assumptions capacity is decreased (recalculated) and the policy information is updated (see: column 5, lines 44-47). The updated information transmitted to the insurance company server essentially informs the reinsurer of the current available risk still existing. It would have been obvious to a person of ordinary skill in the art at the time the invention was made to include the enabling the cedents to electronically decrease said amount of coverage of one of said proposals before submission of said proposal for

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acceptance within the system as taught by Walker et al. with the motivation of preventing reinsurers from purchasing risk from a cedent that is not available via the Internet.

As per claims 17-20, they are rejected for the same reasons set forth in claims 2-4 and 15, respectively.

As per claim 21, Walker et al. teaches a method for a risk carrier to assume monetary risks from a plurality of risk cedents, comprising the steps of:

(a) the claimed posting, by said risk carrier on a computer network, a plurality of proposals to assume selected risks of respective risk cedents such that proposals are viewable through said computer network is met by the insurance company server (100, Fig. 1) that transmits policy information relating to a policy or policies to a central server (120, Fig. 1) which makes the policy information available for viewing on a website (130, Fig. 1) to user via the Internet (100, Fig. 1) (reads on "computer network") through conventional interface (140, Fig. 1). A user ("risk carrier" or "investor") browses the various policies and picks one or more he is interested in and using conventional interface selects a policy by way of an investment order (103, Fig. 1) (see: column 4, lines 45-60 and Fig. 3c);

(b) the claimed initializing on said computer network an available risk assumption capacity of said risk carrier associated with said proposals is met by central server (120, Fig. 1) which makes the policy information available for viewing on a website (130, Fig. 1) to user (risk carrier) via the Internet (100, Fig. 1) (reads on "computer network") transmitting to the insurance company server policy information used to calculate the amount of premium to be paid to each investor (cedent) (see: column 5, lines 36-52 and Fig. 3c);

(c) the claimed enabling electronic submission by any one of said cedents of one of said proposals associated therewith as an offer to cede a selected risk for acceptance by said risk carrier is met by a users ("risk carrier" or "investor") browsing various policies and picking one or more of interested by way of an investment order (103, Fig. 1) (see: column 4, lines 45-60 and Fig. 3c). In addition, the user (risk carrier) enters a credit card number, expiration date and personal information including an e-mail address for transmission of the investment order via the Internet (see: column 5, lines 3-8, 36-53);

(d) the claimed electronically acceptance, by said risk carrier, said offer submitted by one of said risk cedents is met by a users ("risk carrier" or "investor") browsing various policies and picking one or more of interested using conventional interface to select a policy by way of an investment order (103, Fig. 1) (see: column 4, lines 45-60 and Fig. 3c), In addition, digital signatures are used to insure the acceptance of a risk associated with a given policy (see: column 10, lines 41-54); and

(e) the claimed electronically recalculating said available risk assumption capacity upon accepting said offer is met by an insurance syndication central server (120, Fig. 1) that transmits to the insurance company server policy information used to calculate the amount of premium to be paid to by each investor ("risk carrier" or "reinsurer") (see: column 5, lines 36-52 and Fig. 3c). In addition, the syndication central server transmits updated syndication and transaction information (108, Fig. 1) to the insurance company server (see: column 5, lines 44-47). This suggests that once the investor ("risk carrier" or "reinsurer") makes payment, the amount of available risk assumption capacity is decreased (recalculated) and the policy information is updated.

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Walker et al. fails to explicitly teach the claimed step of (f) electronically withdrawing from availability for submission as an offer any or said proposals whose acceptance would reduce said available risk assumptions capacity, as recalculated, below a selected amount, such that electronic submission of any of said proposals which have been withdrawn from availability is prevented.

However, Walker et al. teaches in one particular preferred embodiment, investors (reads on “risk carrier” or “reinsurer”) themselves arriving at a rate for a policy, by offering bids against a given portion of risk (see: column 14, lines 19-25). Moreover, Walker et al. teaches a syndication central server that transmits updated syndication and transaction information (108, Fig. 1) to the insurance company server suggesting that once a investor (“risk carrier” or “reinsurer”) makes payment, the amount of available risk assumptions capacity is decreased (recalculated) and the policy information is updated (see: column 5, lines 44-47). In addition, it is old and well known in the insurance industry to restrict user access to certain information once a user has selected a specific type of insurance or reached certain monetary limit. For example, if a user on an insurance web site tries to increase their insurance coverage above a preset limit that transaction is denied. This illustrates that a restricted amount of coverage is available for that particular insurance policy and any amount beyond that limit will not be accepted. This restriction essentially withdraws the opportunity of increasing the amount coverage by the user, one of ordinary skill in the art at the time of the invention would have found it obvious to include the electronically withdrawing from availability any or said proposals whose acceptance would reduce said available risk assumptions capacity within the system as taught by Walker et al. with

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the motivation of preventing reinsurers from purchasing risk from a cedent that is not available via the Internet.

5. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,119,093 to Walker et al. in view of "CNA Life RE Pilots Online System for Direct Writers and Reinsurers" by Bestwire (hereinafter "Bestwire").

As per claim 4, Walker et al. teaches insurance company server (100, Fig. 1) that transmits policy information relating to a policy or policies to a central server (120, Fig. 1) which makes the policy information available for viewing a website (130, Fig. 1) to a user via the Internet (100, Fig. 1) through conventional user interface (140, Fig. 1). A user browses the various policies and picks one or more he is interested in and using conventional interface selects a policy by way of investment order (103, Fig. 1) (see: column 4, lines 45-60).

Walker et al. explicitly teaches the step of providing access through said computer network including limiting access of each of said cedents to view only said proposals which are specific to said cedent.

Bestwire teaches an online system that enables life insurance direct writers (insurers) to shop for reinsurance (see: paragraph 1) through AgoraRe.com. Direct writers post applications and case-specific documents to the site for retrieval and examination by one or multiple reinsurers (see: paragraph 3). Reinsurers examine the cases and related documents and then return responses through the site where the direct writers will review the responses and select the best offer or offers (see: paragraph 3). Participants use security software at their workstations to contact the site and a password to enter the system, a case-placement screen allows direct writer

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to see all of the offers side by side but the direct writer cannot view cases submitted by the competitors (see: paragraph 1, 3, 4 and 5).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to include the online system of reinsurance as taught by Bestwire within the system and method of the sale of insurance as taught by Walker et al. with the motivation preventing the user from making errors by limiting access to irrelevant information regarding their insurance policy.

6. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over "CNA Life RE Pilots Online System for Direct Writers and Reinsurers" by Bestwire (hereinafter "Bestwire") and U.S. Patent No. 6,119,093 to Walker et al.

As per claim 11, Bestwire teaches a method for a reinsurer to sell treaty type reinsurance to a plurality of selected cedent, comprising the steps of:

(a) the claimed evaluating an insurance portfolio of each of a plurality of cedent is by the direct writers who post applications and case-specific documents to the a web site for retrieval and examination by one or multiple reinsurers (see: paragraph 3);

(b) the claimed developing proposals to reinsure selected insurance portfolios of said selected cedents is met by the reinsurers who examine the cases and related documents and then return response through AgoreRe.com (see: paragraph 3);

(c) the claimed posting of said proposals on a server by the said reinsurer such that said proposals are viewable through a computer network is met by the posting of applications and case-specific documents to a web site for retrieval and examination by one or multiple reinsurers (see: paragraph 3);

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(e) the claimed providing access through said computer network to said selected cedents to view said proposals is met by the participants of the system using security software at their workstations to contact the site and a password to enter the system and using a case-placement screen that allows direct writer to see all of the offers side by side (see: paragraph 1, 3, 4 and 5);

(g) the claimed receiving said offer from said cedent by said reinsurer is met by the direct writers selecting the reinsurer they want to receive their application (see: paragraph 5);

Bestwire fails to explicitly teach:

(d) the claimed initializing on said server an available reinsurance capacity of said reinsurer to accept said proposals;

(h) the claimed electronically accepting, by said reinsurer, said offer from said cedent;

(f) the claimed enabling electronic submission by any one of said selected cedents of one of said proposals as an offer to cede a selected risk for acceptance by said reinsurer;

(i) the claimed electronically recalculating said available reinsurance capacity upon accepting said offer; and

(j) the claimed electronically withdrawing from availability for submission as an offer to cede a selected risk any of said proposals whose acceptance would reduce said available reinsurance capacity, as recalculated, below a selected amount.

Walker et al. teaches:

(d) the claimed initializing on said server an available reinsurance capacity of said reinsurer to accept said proposals is met by the central server (120, Fig. 1) that transmits to the insurance company server policy information used to calculate the amount of premium to be paid to each investor (see: column S, lines 36-52 and Fig. 3c);

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(h) the claimed electronically accepting, by said reinsurer, said offer from said cedent is met by a user browsing various policies to picks one or more of interest using conventional interface to selects a policy by way of investment order (103, Fig. 1) (see: column 4, lines 45-60). In addition, digital signatures are used to insure the acceptance of a risk associated with a given policy (see: column 10, lines 41-54). The examiner considers the term "user" to be interchangeable and referring to possibly different users of the system such as risk cedent (insured) or primary insurer;

(f) the claimed enabling electronic submission by any one of said selected cedents of one of said proposals as an offer for acceptance by said reinsurer is met by a user browsing various policies and picking one or more of interest (103, Fig. 1) by way of investment order (103, Fig. 1) (see: column 4, lines 45-60). In addition, the user enters a credit card number, expiration date and personal information including an e-mail address for transmission of the investment order (103, Fig. 1) via the Internet (see: column 5, lines 3-8, 36-53); and

(i) the claimed electronically recalculating said available reinsurance capacity upon accepting said offer is met by the central server (120, Fig. 1) that transmits to the insurance company server updated policy information and transactions used to calculate the amount of premium to be paid to each investor (see: column 5, lines 36-52);

The combination of Bestwire and Walker et al. fail to teach (j) the claimed electronically withdrawing from availability for submission as an offer to cede a selected risk any of said proposals whose acceptance would reduce said available reinsurance capacity, as recalculated, below a selected amount.

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However, Walker et al. teaches in one particular preferred embodiment, investors (reads on "risk carrier" or "reinsurer") themselves arriving at a rate for a policy, by offering bids against a given portion of risk (see: column 14, lines 19-25). Moreover, Walker et al. teaches a syndication central server that transmits updated syndication and transaction information (108, Fig. 1) to the insurance company server suggesting that once a investor ("risk carrier" or "reinsurer") makes payment, the amount of available risk assumptions capacity is decreased (recalculated) and the policy information is updated (see: column 5, lines 44-47). This essentially electronically withdraws from availability for submission as an offer to cede a selected risk any of said proposals whose acceptance would reduce said available reinsurance capacity, as recalculated, below a selected amount. It would have been obvious to a person of ordinary skill in the art at the time the invention was made to include the electronically withdrawing from availability for submission as an offer any of said proposals whose acceptance by said risk carrier would reduce said available risk assumption capacity, as recalculated, below a selected amount within the system as taught by Walker et al. with the motivation of preventing reinsurers from purchasing risk from a cedent that is not available via the Internet.

7. Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,119,093 to Walker et al. and "CNA Life RE Pilots Online System for Direct Writers and Reinsurers" by Bestwire (hereinafter "Bestwire").

As per claim 16, Walker et al. teaches:

(a) the claimed developing, for each said different classes of insurance are met by the type of coverages (321, Fig. 3b) (see: column 6, lines 44-58 and column 8, lines 37-51).

(b) the claimed posting of said proposals on a server by said reinsurer such that selected ones of said proposals are viewable selected ones of said cedents through a computer network is met by the insurance company server (100, Fig. 1) that transmits policy information relating to a policy or policies to a central server (120, Fig. 1) which makes the policy information available for viewing on a website (130, Fig. 1) to a user via the Internet (100, Fig. 1) through conventional user interface (140, Fig. 1). A user browses the various policies and picks one or more he is interested in and using conventional interface selects a policy by way of investment order (103, Fig. 1) (see: column 4, lines 45-60 and Fig. 3c);

(c) the claimed initializing on said server an available cedent capacity for each of said cedents and an available per occurrence capacity for each of said proposals is met by the central server (120, Fig. 1) that transmits to the insurance company server policy information used to calculate the amount of premium to be paid to each investor (see: column 8, lines 36-52 and Fig. 3c).

(d) the claimed electronic submission by any one of said cedents of one of said proposals to assume selected risks associated with said cedent as an offer to cede a selected risk for acceptance by said reinsurer is met by a user browsing various policies and picking one or more of interest (103, Fig. 1) by way of investment order (103, Fig. 1) (see: column 4, lines 45-60). In addition, the user enters a credit card number, expiration date and personal information including an e-mail address for transmission of the investment order (103, Fig. 1) via the Internet (see: column S, lines 3-8, 36-53);

(e) the claimed electronically accepting by said reinsurer of said offer submitted by one of said selected cedents is met by a user browsing various policies to picks one or more of

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interest using conventional interface to select a policy by way of investment order (103, Fig. 1) (see: column 4, lines 45-60). In addition, digital signatures to insure the acceptance of a risk associated with a given policy (see: column 10, lines 41-54). The examiner considers the term "user" to be interchangeable and referring to possibly different users of the system such as risk cedent (insured) or primary insured; and

(f) the claimed electronically recalculating said available cedent capacity of said cedent and said available per occurrence capacity of said proposal upon accepting said offer is met by the central server (120, Fig. 1) that transmits to the insurance company server updated policy information and transactions used to calculate the amount of premium to be paid to each investor (see: column 5, lines 36-52).

Walker et al. fails to teach the claimed step (g) the claimed electronically withdrawing from availability for submission as an offer any of said proposals whose acceptance would reduce said available cedent capacity or said available per occurrence capacity, as recalculated, below a selected amount.

Bestwire teaches online system that enables life insurance direct writers (insurers) to shop for reinsurance (see: paragraph 1).

The combination of Walker et al. and Bestwire fail to explicitly teach (g) the claimed electronically withdrawing from availability any of said proposals whose acceptance would reduce said available cedent capacity or said available per occurrence capacity, as recalculated, below a selected amount.

However, Walker et al. teaches in one particular preferred embodiment, investors (reads on "risk carrier" or "reinsurer") themselves arriving at a rate for a policy, by offering bids against

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a given portion of risk (see: column 14, lines 19-25). Moreover, Walker et al. teaches a syndication central server that transmits updated syndication and transaction information (108, Fig. 1) to the insurance company server suggesting that once a investor ("risk carrier" or "reinsurer") makes payment, the amount of available risk assumptions capacity is decreased (recalculated) and the policy information is updated (see: column 5, lines 44-47). This essentially withdraws the amount of risk from availability to the user, one of ordinary skill in the art at the time the invention was made would have found it obvious to include the electronically withdrawing from availability of certain policy information within the system as taught by the combination of Bestwire and Walker et al. with the motivation of allowing a user to view only the most relevant and pertinent information regarding the type of insurance selected via the Internet.

Response to Arguments

8. Applicant's arguments filed 7/15/03 have been fully considered but they are not persuasive. Applicant's arguments will be addressed hereinbelow in the order in which they appear in the response 7/15/03.

(A) In the remarks, Applicants argue in substance that, (1) Walker et al. fails to teach the posting by the risk carrier of proposals to assume selected risks from a risk cedent who submits the proposals as an offer to cede a selected risk; (2) Walker et al. fails to teach initializing and recalculating available risk assumption capacity; (3) Walker et al. fails to teach the electronically withdrawing proposals from availability; (4) Walker et al. fails to teach the step of enabling cedents to electronically decrease said amount of coverage of one of said proposals before submission of said proposal for acceptance; (5) Bestwire reference fails to teach a method of

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selling treaty type reinsurance with regards to evaluating an insurance portfolio of each of the plurality of cedents and developing proposals to reinsure selected insurance portfolios of said selected cedents; (6) Bestwire fails to teach or suggest “available reinsurance capacity” or anything comparable should be taken into consideration in determining which proposals should be made available or presented to the cedents; and (7) None of the prior art of record teaches or suggest differentiation between the “available cedent capacity” and the “available per occurrence capacity”.

(B) In response to Applicant’s argument that, (1) Walker et al. fails to teach the posting by the risk carrier of proposals to assume selected risks from a risk cedent who submits the proposals as an offer to cede a selected risk. The Examiner respectfully submits that Walker et al. teaches in one particular preferred embodiment, investors (reads on “risk carrier” or “reinsurer”) themselves arriving at a rate for a policy, by offering bids against a given portion of risk (see: column 14, lines 19-25). This suggests that the investor offers bids (“posted proposals”) to buy shares of a selected insurance policy indicating that the investors themselves initiated the reinsurance process by arriving at a rate or proposals to assume selected risks and offering a bid.

(C) In response to Applicant’s argument that, (2) Walker et al. fails to teach initializing and recalculating available risk assumption capacity. The Examiner respectfully submits that Walker et al. teaches a central server (120, Fig. 1) that transmits to the insurance company server policy information used to calculate the amount of premium to be paid to each investor (users) (see: column 5, lines 36-52 and Fig. 3c). Walker et al. further teaches that the central server (120, Fig. 1) transmits to the insurance company server updated policy information with transactions information used to calculate the amount of premium to be paid to each investor (user) (see:

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column 8, lines 36-52). This indicates that central server sends information regarding the amount of available risk to the insurance company server after the investors determines the amount of money to be used on credit card as suggested by investors arriving at a rate for a policy, by offering bids against a given portion of risk (see: column 14, lines 19-25).

(D) In response to Applicant's argument that, (3) Walker et al. fails to teach the electronically withdrawing proposals from availability. The Examiner respectfully submits that Walker et al. teaches in one particular preferred embodiment, investors (reads on "risk carrier" or "reinsurer") themselves arriving at a rate for a policy, by offering bids against a given portion of risk (see: column 14, lines 19-25). Moreover, Walker et al. teaches a syndication central server that transmits updated syndication and transaction information (108, Fig. 1) to the insurance company server suggesting that once a investor ("risk carrier" or "reinsurer") makes payment, the amount of available risk assumptions capacity is decreased (recalculated) and the policy information is updated (see: column 5, lines 44-47). The updated syndication and transaction information contains information concerning the availability of the amount of risk available to the investor essentially setting the remaining amount available risk and withdrawing the amount of risk already purchased by investors.

(E) In response to Applicant's argument that, (4) Walker et al. fails to teach the step of enabling cedents to electronically decrease said amount of coverage of one of said proposals before submission of said proposal for acceptance. The Examiner respectfully submits that Walker et al. teaches in one particular preferred embodiment, investors (reads on "risk carrier" or "reinsurer") themselves arriving at a rate for a policy, by offering bids against a given portion of risk (see: column 14, lines 19-25). Moreover, Walker et al. teaches a syndication central server

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that transmits updated syndication and transaction information (108, Fig. 1) to the insurance company server suggesting that once a investor (“risk carrier” or “reinsurer”) makes payment, the amount of available risk assumptions capacity is decreased (recalculated) and the policy information is updated (see: column 5, lines 44-47). The updated information transmitted to the insurance company server provides the insurance company with the current amount of risk available which includes decreases in the amount of coverage available to each reinsurer essentially informing the reinsurer of the current available risk still existing.

(F) In response to Applicant’s argument that, (5) Bestwire reference fails to teach a method of selling treaty type reinsurance with regards to evaluating an insurance portfolio of each of the plurality of cedents and developing proposals to reinsure selected insurance portfolios of said selected cedents. The Examiner acknowledges that Applicant has added the recitation of “a method of selling treaty type reinsurance”, but the type reinsurance does affect the claimed steps involved with selling reinsurance. Furthermore, this recitation has not been given patentable weight because the recitation occurs in the preamble. A preamble is generally not accorded any patentable weight where it merely recites the purpose of a process or the intended use of a structure, and where the body of the claim does not depend on the preamble for completeness but, instead, the process steps or structural limitations are able to stand alone. See *In re Hirao*, 535 F.2d 67, 190 USPQ 15 (CCPA 1976) and *Kropa v. Robie*, 187 F.2d 150, 152, 88 USPQ 478, 481 (CCPA 1951).

(G) In response to Applicant’s argument that, (6) Bestwire fails to teach or suggest “available reinsurance capacity” or anything comparable should be taken into consideration in determining which proposals should be made available or presented to the cedents. The

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Examiner respectfully submits that Walker et al. reference, and not Bestwire, *per se*, that was relied upon for the specific teaching of the central server (120, Fig. 1) that transmits to the insurance company server policy information used to calculate the amount of premium to be paid to each investor (see: column 8, lines 36-52 and Fig. 3c). Walker et al. further teaches that the central server (120, Fig. 1) transmits to the insurance company server updated policy information with transactions information used to calculate the amount of premium to be paid to each investor (see: column 8, lines 36-52). This updated information includes the available reinsurance capacity after the investor's transaction has been processed. Bestwire was relied on for primarily teaching an online system that enables life insurance direct writers (insurers) to shop for reinsurance (see: paragraph 1). Thus, the proper combination of the applied references would be the incorporation of Bestire's online reinsurance shopping with the system for syndicating the sale of an insurance policy of Walker et al.

(H) In response to Applicant's argument that, (7) None of the prior art of record teaches or suggest differentiation between the "available cedent capacity" and the "available per occurrence capacity". The Examiner respectfully submits that Walker et al. teaches in one particular preferred embodiment, investors (reads on "risk carrier" or "reinsurer") themselves arriving at a rate for a policy, by offering bids against a given portion of risk (see: column 14, lines 19-25). This indicates that the investor determines the maximum risk of loss he is willing to pay for the insurance policy from a primary insurer. Walker et al. also teaches that investors can browse the various policies and picks one or more he is interested in and using conventional interface selects a policy by way of investment order (103, Fig. 1) and further enters credit card number, expiration date and personal information, including his electronic mail (see: column 4,

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lines 45-60, Fig. 3c and column 14, lines 19-26). The investor then directs his investment order to the insurance syndication service central server (120, Fig. 1) via the Internet (see: column 5, lines 3-8). This further indicates that the investor can determine the amount of credit card debt to be used for the risk of loss for each policy or the per occurrence capacity he is willing to obtain.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert W. Morgan whose telephone number is (703) 605-4441. The examiner can normally be reached on 8:30 a.m. - 5:00 p.m. Mon - Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Thomas can be reached on (703) 305-9588. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.

RWM
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